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NEAS: WCP/EIA/0001224/2023
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: **16 AUGUST 2023**

The Municipal Manager
Mossel Bay Municipality
101 Marsh Street

MOSSSEL BAY

6506

Attention: Mr. D. Naidoo

Cell: 083 490 4575

Email: dnaidoo@mosselbay.gov.za

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED ON 7 APRIL 2017): PROPOSED SONSKYNVALLEI TO BRANDWACHT POTABLE WATER PIPELINE IN MOSSSEL BAY, WESTERN CAPE

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), received 23 June 2023, prepared and submitted by Renier Kapp from Kapp Environmental Consultants (Pty) Ltd, the appointed Environmental Assessment Practitioner ("EAP").

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
 Mossel Bay Municipality
 % Mr. D. Naidoo
 101 Marsh Street
 Mossel Bay
 6506

Tel: 044 606 5000

E-mail: dnaidoo@mosselbay.gov.za

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as “**the Holder**”).

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1	
<p>Activity Number: 12</p> <p>Activity Description:</p> <p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p>	<p>The total extent of the proposed pipeline upgrade is approximately 9.45km. The proposed new pipeline will be installed within 1,5m from the existing pipeline along the route. The total extent of Phase 2 upgrade is approximately 2.15km in</p>

<p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	<p>extent. The length of the new pipeline is approximately 9.45km long and 160mm in diameter. The working width of the pipeline trenching is estimated to be 5 m.</p>
<p>Activity Number: 19</p> <p>Activity Description:</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The pipeline will cross a number of non-perennial watercourse including the floodplain of the Brandwacht River and mapped wetland areas.</p>

Environmental Impact Assessment Regulations Listing Notice 3

Activity Number: 12

Activity Description:

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.

The proposed development will result in the clearance of over 300 m² of Critically Endangered Mossel Bay Shale Renosterveld and Garden Route Granite Fynbos vegetation.

The abovementioned list is hereinafter referred to as "**the listed activities**".

The Holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development and development footprint area:

The preferred alternative entails the upgrade of an existing 100mm diameter pipeline from the Hartenbos Kop Reservoir to the Brandwacht Reservoir by adding a new 160mm diameter HDPE Class 16

pipe pipeline along the existing pipeline route, within 1,5m from the existing pipeline along the route. A formal pipeline servitude in favour of Mossel Bay Municipality is in place along the existing route from the eastern connection point near the Hartenbos Kop reservoir and west along the Phase 1 pipeline route to the connection point along the R328. From here the pipeline will be extended north as a Phase 2 towards the existing Valley View Reservoir located in Brandwacht. This Phase 2 Section of the pipeline will require the registration of a new servitude that will lead adjacent to the R328 road servitude up to the Valley View Reservoir. The total extent of the Phase 1 upgrade is approximately 7.3km and the phase 2 new pipeline is approximately 2,15km. The total extent of the proposed pipeline upgrade is approximately 9.45km.

SITE DESCRIPTION AND LOCATION

The proposed site is located to the north-west of Hartenbos within the Mossel Bay Municipal Area. The pipeline runs adjacent to the R328 road to Brandwag crossing under the road a number of times. The largest river in the area is the Brandwag Rivier that flows adjacent to the R328 and then crosses underneath the road. The pipeline traverses numerous properties of cultivated lands adjacent to the fence which borders the road reserve. Some small areas contain indigenous vegetation, with the largest area being located at the reservoir at Brandwacht.

Coordinates of the pipeline:

Position:	Latitude (South)	Longitude (East)
Starting point	34° 06,56'20 "	22° 05,03'53"
Middle point	34° 05.05'17"	22° 03,12' 81"
End point	34 ° 02,53'85"	22° 03,37'78"

SG digit codes: Portion 71 of Farm Hartenbosch 217

Farm Portion	SG 21 Digit Codes
Remainder of Farm 654	C 0 5 1 0 0 0 4 0 0 0 0 6 6 5 4 0 0 0 0 0
Portion 102 of Farm Hartenbosch 217	C 0 5 1 0 0 0 0 0 0 0 0 0 0 2 1 7 0 0 1 0 2
Portion 67 of Farm Hartenbosch 217	C 0 5 1 0 0 0 0 0 0 0 0 0 0 2 1 7 0 0 0 6 7
Remainder of Farm Hartenbosch 217	C 0 5 1 0 0 0 0 0 0 0 0 0 0 2 1 7 0 0 0 0 0
Portion 12 of Farm Hartenbosch 217	C 0 5 1 0 0 0 0 0 0 0 0 0 0 2 1 7 0 0 0 1 2
Portion 71 of Farm Hartenbosch 217	C 0 5 1 0 0 0 0 0 0 0 0 0 0 2 1 7 0 0 0 7 1
Portion 1 of Farm 292	C 0 5 1 0 0 0 0 0 0 0 0 0 0 2 9 2 0 0 0 0 1
Portion 11 of Farm Outeniquasbosch 149	C 0 5 1 0 0 0 0 0 0 0 0 0 0 1 4 9 0 0 0 1 1

Portion 1 of Farm Outeniquasbosch 151	C 0 5 1 0 0 0 0 0 0 0 0 0 1 5 1 0 0 0 0 1
Remainder of Farm Outeniquasbosch 151	C 0 5 1 0 0 0 0 0 0 0 0 0 1 5 1 0 0 0 0 0
Portion 29 of Farm Outeniquasbosch 149	C 0 5 1 0 0 0 0 0 0 0 0 0 1 4 9 0 0 0 2 9
Portion 43 of Farm Outeniquasbosch 149	C 0 5 1 0 0 0 0 0 0 0 0 0 1 4 9 0 0 0 4 3
Portion 19 of Farm Outeniquasbosch 149	C 0 5 1 0 0 0 0 0 0 0 0 0 1 4 9 0 0 0 1 9
Portion 51 of Farm Outeniquasbosch 149	C 0 5 1 0 0 0 0 0 0 0 0 0 1 4 9 0 0 0 0 5 1
Portion 19 of Farm Brandwacht 154	C 0 5 1 0 0 0 0 0 0 0 0 0 1 5 4 0 0 0 1 9
Portion 26 of Farm Brandwacht 154	C 0 5 1 0 0 0 0 0 0 0 0 0 1 5 4 0 0 0 2 6
Portion 11 of Farm Brandwacht 164	C 0 5 1 0 0 0 0 0 0 0 0 0 1 4 4 0 0 0 1 1
Portion 5 of Farm 144	C 0 5 1 0 0 0 0 0 0 0 0 0 1 6 4 0 0 0 0 5

Refer to Annexure 1: Locality Plan of this Environmental Authorisation.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Kapp Environmental Consultants (Pty) Ltd

% Mr. Renier Kapp

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MOSSEL BAY

6500

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E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until 14 August 2028 to commence and complete all the listed activities, rehabilitation, and monitoring requirements. Failing which, this Environmental Authorisation shall lapse, unless the Environmental Authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).
2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with a part of the Preferred Alternative, as described in Section C above.

The upgrade of an existing 100mm diameter pipeline from the Hartenbos Kop Reservoir to the Brandwacht Reservoir by adding a new 160mm diameter HDPE Class 16 pipe pipeline along the existing pipeline route, within 1,5m from the existing pipeline from the eastern connection point near the Hartenbos Kop reservoir to the connection point along the R328. This will be Phase 1 of the project. From here the pipeline will be extended north as a Phase 2 towards the existing Valley View Reservoir located in Brandwacht. This Phase 2 Section of the pipeline will require the registration of new servitudes to be registered and will lead adjacent to the R328 road servitude up to the Valley View Reservoir. The total extent of the Phase 1 upgrade is approximately 7.3km and the phase 2 new pipeline is approximately 2,15km. The total extent of the proposed pipeline upgrade is approximately 9.45km. (See site development plan contained in Annexure 2 of this authorisation).

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority, before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties (“I&APs”) of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with the:
 - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the Holder,
 - 6.4.4. telephonic and fax details of the Holder,
 - 6.4.5. e-mail address, if any, of the Holder,
 - 6.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
 - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
 - 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions Number: 6, 10 & 18

Management of activity

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved. In addition, monthly record keeping (ECO reports) must be submitted to the competent authority on a monthly basis.
9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO") for the duration of the construction and rehabilitation phases of the development. The ECO must be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing);
11. The ECO must–
 - 11.1. ensure compliance with the EMPr and the conditions contained therein;
 - 11.2. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 11.3. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
12. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure that compliance with the conditions of the environmental authorisation and the EMPr, is audited.

15. The final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of the conclusion construction phase and rehabilitation thereof.
16. The Environmental Audit Report(s), must –
 - 16.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 16.2. provide verifiable findings, in a structured and systematic manner, on–
 - 16.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 16.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 16.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.4. evaluate the effectiveness of the EMPr;
 - 16.5. identify shortcomings in the EMPr;
 - 16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 16.9. include a photographic record of the site applicable to the audit; and
 - 16.10. be informed by the ECO reports.
17. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

18. A walk-through search and rescue mission must be undertaken by a qualified Botanist, prior to commencement of construction activities.
19. Construction of the last section of pipeline that goes through the semi-intact intact fynbos and semi-intact thicket vegetation must be done by hand as recommended by the botanical specialist.
20. No machinery is allowed in the sensitive areas.

21. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start and complete all listed activities rehabilitation, and monitoring requirements within the period referred to in Section E, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
- (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
- (c) An environmental authorisation may be amended where it relates to a change of ownership or transfer of rights and obligations.

3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

4. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or provisions of the EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from the date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.
8. This Environmental Authorisation is subject to compliance with all the suspensive conditions (i.e. 6 and 10). Failure to comply with all the suspensive conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall

be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.

9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186

CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT

DATE OF DECISION: 16 AUGUST 2023

Copies to:

Renier Kapp ((Kapp Environmental Consultants (Pty) Ltd)
Euonell Visagie (Kapp Environmental Consultants (Pty) Ltd)
Mushfiqah Abrahams (Mossel Bay Municipality)

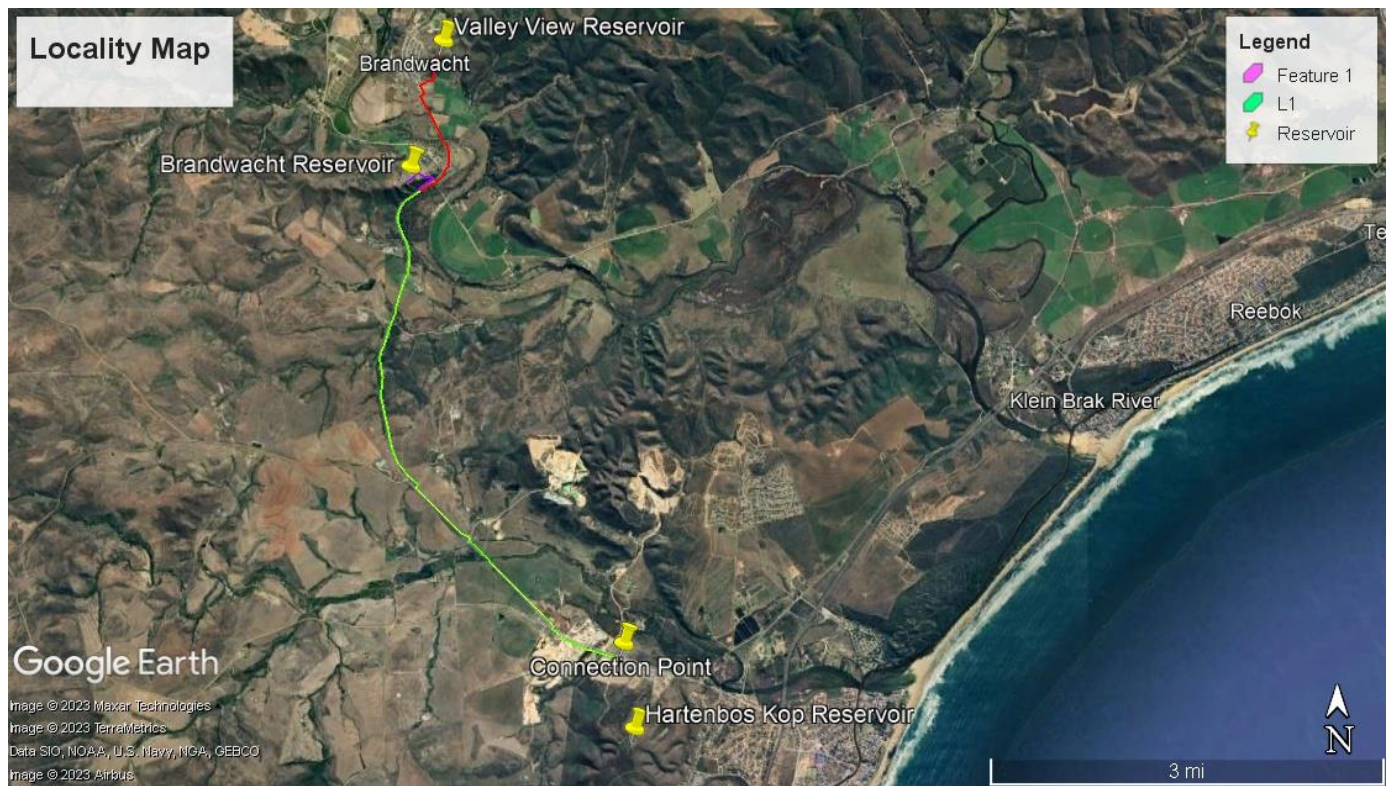
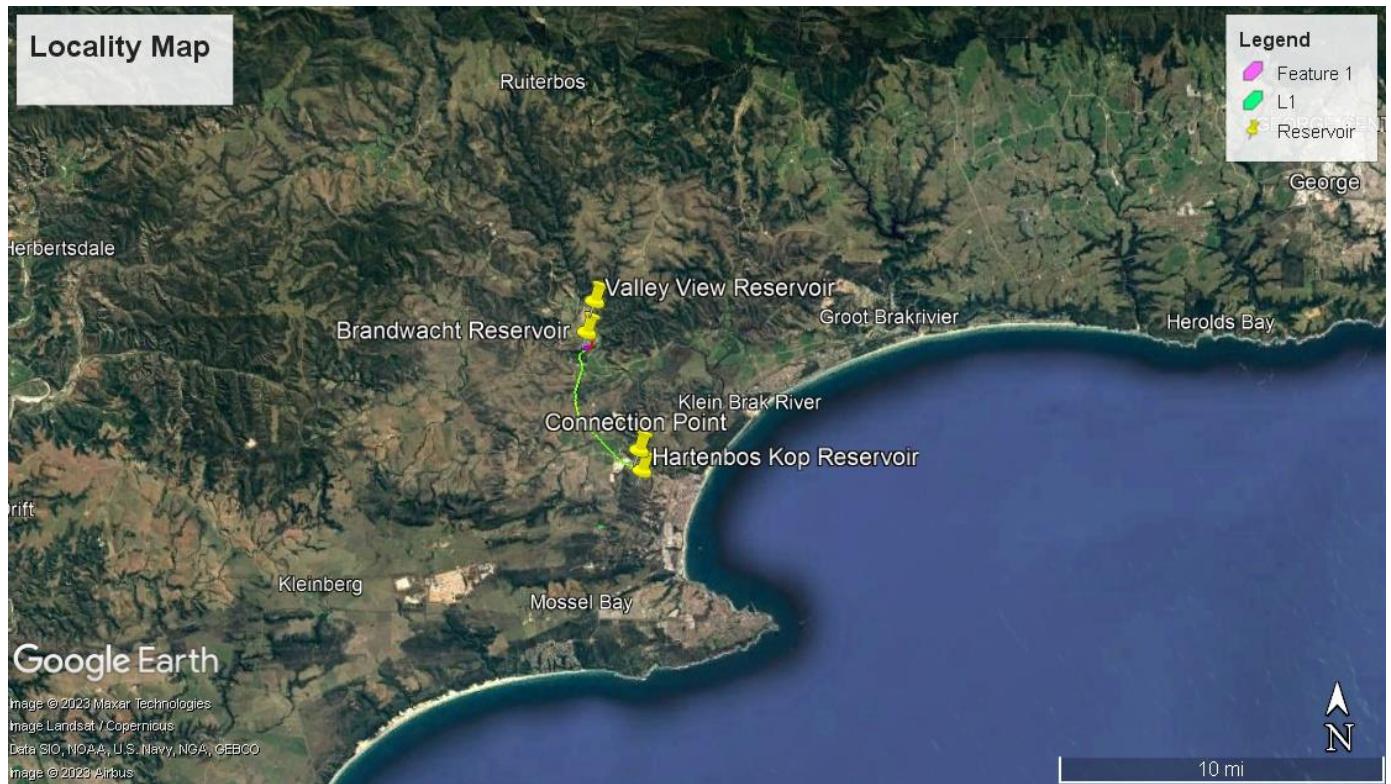
Email: renier@kappec.co.za
Email: eg@gnec.co.za
Email: Mushfiqah.abrahams@mosselbay.gov.za

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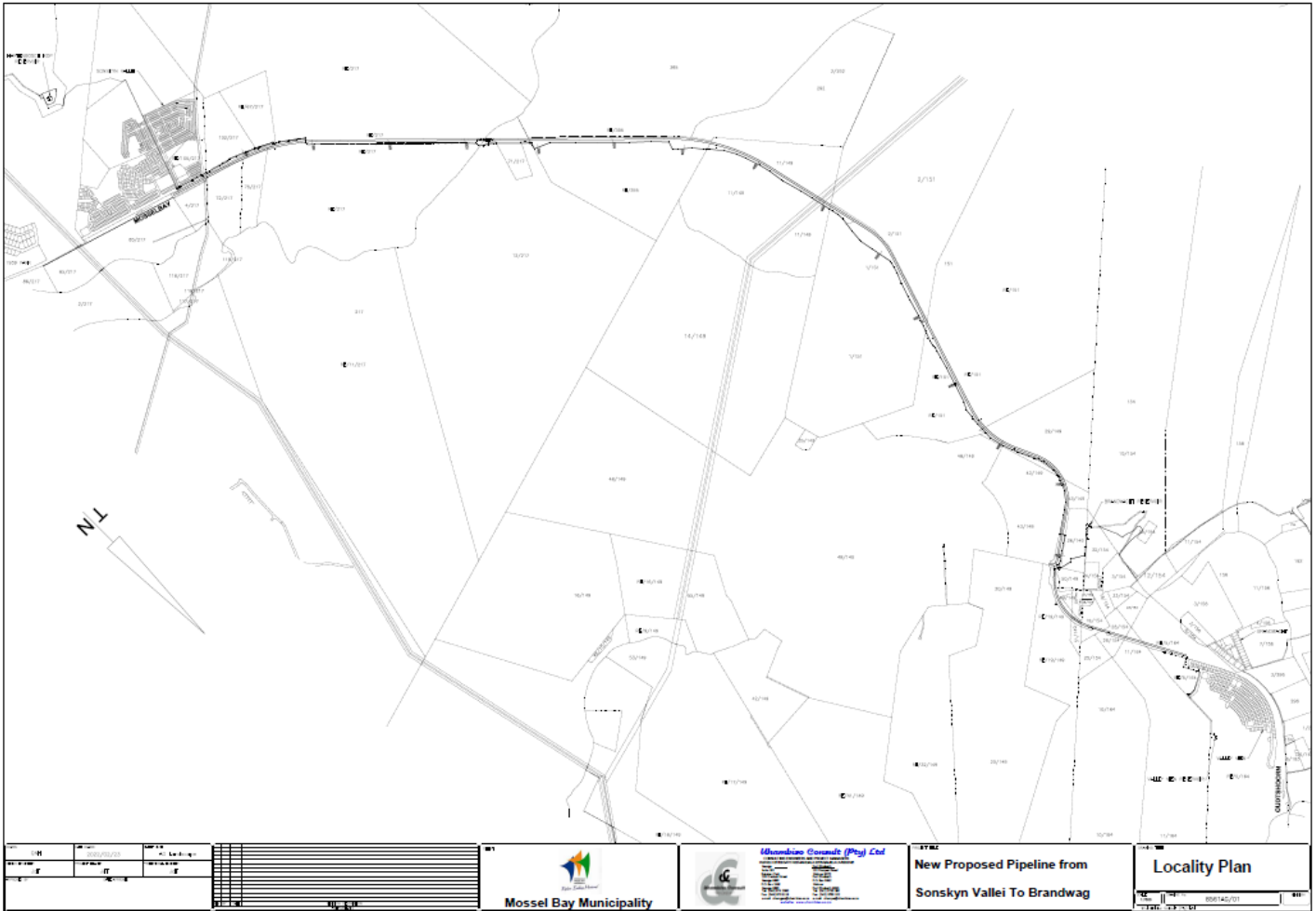
EIA REFERENCE NUMBER: 16/3/3/1/D6/29/0002/23

NEAS REFERENCE: WCP/EIA/0001224/2023

ANNEXURE 1: LOCALITY MAP:



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form received on 27 January 2023, the Final Basic Assessment Report (FBAR) and EMPr dated and submitted on 23 June 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of the relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 23 June 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures;
- f) The observations that were made during the site inspection conducted on 23 May 2023 by the EAP (Mr. Renier Kapp, Ms. Shireen Pullen and Ms. Harriet van Schalkwyk) from this Department.

All information presented to the Competent Authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- Identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- Fixing a notice board at the site in March 2023 (total of 12 site notices were be erected along the pipeline route at visible locations adjacent to the R328 and the pipeline route);
- Notices to the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 10 March 2023;
- The placing of a newspaper advertisement in the 'Mossel Bay Advertiser' on 10 March 2023,

The following Organs of State were approached for comment on the proposal:

- Breede-Olifants Catchment Management Agency (BOCMA)
- CapeNature
- Heritage Western Cape
- Department of Agriculture
- Garden Route District Municipality
- Department of Fisheries, Forestry and Environment: Forestry Department

The BOCMA granted a general authorisation for the proposed development, without any conditions attached to it.

Cape Nature raised concerns regarding the destruction of Critically Endangered vegetation and Critical Biodiversity Areas CBA (Terrestrial and Aquatic). Special concern was the phase 2 pipeline, specifically the last section of the pipeline that leads to the Brandwacht Reservoir. The specialist made recommendations with respect to certain mitigation measures that must be implemented and these were included in the EMPr. CapeNature confirmed in writing that they are satisfied that their issues have been adequately addressed.

There were also issues raised regarding the servitude that was, in an I&AP's opinion never registered over Portion 67 of Farm Hartenbos 2017 and Remainder of Farm Hartenbos and that an agreement at the time was reached between the owner and the Municipality for an additional water point. This was considered by this Directorate, however, this issue is not something that has a significant impact on the environment.

This Department is satisfied that all the comments and inputs that were captured in the Basic Assessment Report has been adequately responded to by the EAP and that appropriate mitigation measures have been included in the EMPr to adequately address the issues and concerns raised.

2. Consideration of Alternatives

Brandwacht Reservoir is supplied by an existing 100mm diameter pipeline along the Phase 1 of the route from the Hartenbos Kop Reservoir to the Brandwacht Reservoir. The Hartenbos Kop Reservoir is located at approximately 136m above sea level and supplies Brandwacht Reservoir via the existing 100mm diameter pipeline situated at approximately 78m above sea level. From the Brandwacht Reservoir, water is pumped via a booster pump station to the Valley View Reservoir situated at approximately 104 above sea level.

The Preferred Alternative

The upgrade of an existing 100mm diameter pipeline from the Hartenbos Kop Reservoir to the Brandwacht Reservoir by adding a new 160mm diameter HDPE Class 16 pipe pipeline along the existing pipeline route, from the eastern connection point near the Hartenbos Kop reservoir and west to the connection point along the R328. This is Phase 1 of the project. From here the pipeline will be extended north as a Phase 2 towards the existing Valley View Reservoir located in Brandwacht. This Phase 2 Section of the pipeline will require the registration of new servitudes to be registered and will lead adjacent to the R328 road servitude up to the Valley View Reservoir. The total extent of the Phase 1 upgrade is approximately 7.3km and the phase 2 new pipeline is approximately 2,15km. The total extent of the proposed pipeline upgrade is approximately 9.45km.

Design Alternative 1

It was initially proposed that the pipeline cross the R328 via directional drilling at waypoint 34° 03'47.19"S; 22°03'28.73"E towards the Brandwacht Reservoir. However, due to the constraints encountered along this stretch of pipeline, which includes crossing of the R328, steep slopes, good quality terrestrial vegetation, and a cemetery, the engineers determined that the upgrading of this small section (purple) of the pipeline was not essential and that the current pressure at this location will be sufficient should the rest of the upgrade take place as proposed. For this reason, it was decided to exclude this section. This design is therefore not the applicant's preferred alternative.

Other alternatives identified through the PPP

A proposal was considered to raise the pipeline and place it on pillars where it runs through the extremely sensitive sections at the Valley View reservoir. Due to the practicality of the proposal, the associated additional disturbance that would take place and the fact that it is not the best practicable option to expose critical municipal infrastructure such as a water pipeline above ground for the threat of vandalization and sabotage, this was not preferred. Another reason why this is not the preferred alternative is because the pipes utilized come in lengths of 6m each and each of these lengths would need to be supported by at least two supports according to the engineer. These supports will require a concrete basis for which the holes would need to be dug by an excavator. As a result, this proposal would essentially result in more significant impacts. Instead, it was decided to rather go with the proposal of the Botanical specialist to excavate this section by hand and in order to assist in minimizing the disturbance and avoid all Species of Conservation Concern and more permanent impacts than the preferred alternative of hand excavation. CapeNature supports this mitigation measure.

The "No-Go" Alternative

This alternative entails no upgrade of this pipeline. Should the proposed upgrade not be implemented, the potable water provision to the areas of Sonskynvallei and especially Brandwacht and surrounds, including the farms in the area, would not have a reliable potable water provision system in future.

The Mossel Bay Municipality has been having increasing constraints in maintaining enough pressure in the pipelines to be able to effectively pump water between these reservoirs and as a result these areas have been increasingly affected by water supply issues which will be exacerbated in future. This is therefore not the preferred alternative.

3. Impact Assessment and Mitigation Measures

3.1 Activity need and desirability

Mossel Bay Municipality is responsible for the provision of clean and reliable potable water to the communities of Hartenbos, Mossel Bay and Brandwacht. This upgrade will ensure that valuable and

necessary potable water is supplied to the area, especially towards the established Brandwacht settlement.

The Mossel Bay Municipality are experiencing problems to supply sufficient water to the Brandwacht and Valley View Reservoirs via the existing 100mm diameter pipeline that is currently in place. As such, the pipeline is proposed to be upgraded to a 160mm pipeline and there is therefore a need for the proposed development.

3.2 Impacts

Agriculture

According to the Agricultural Compliance Statement, the pipeline route consists of land which is subject to agricultural limitations including rockiness, steep slopes, and shallow soil profiles. The statement also notes that livestock grazing is the predominate agricultural land uses within the area, with only small patches of cultivation occurring in the northern section of the pipeline route. This cultivation occurred outside of the road servitude and will not be affected by the pipeline route. It is therefore unlikely that the proposed development will result in any significant negative impacts on agriculture. The Department of Agriculture also indicated that they have no objection to the proposed development.

Aquatic

The proposed pipeline is situated within the K10B and K10D Quaternary Catchments which includes several Sub-Quaternary Reaches (the K10B-09256 (Hartenbos River) and the K10D-09163 (Brandwag River)), which may be impacted due to the proposed pipeline upgrade. The pipeline crosses watercourses (wetlands, streams, non-perennial tributaries etc.) at 11 different points along the route. The site investigation and further analysis from the Freshwater Resource Impact Assessment confirmed that the proposed pipeline will either cross and/or be located within the Legislative Regulation Zone of natural water resources. These include a Seep Wetland, a Channelled Valley-Bottom Wetland, artificial agricultural stormwater drainage channel, as well as both the Hartenbos and Brandwacht river, and natural non-perennial drainage line and finally a Floodplain Wetland.

It is important to note that the proposed pipeline upgrade may have environmental consequences to the above-mentioned water resources if the proposed mitigation measures are not implemented. The result is greater inputs of sediments and nutrients from associated stormwater runoff, but may only have low significant risk towards the surrounding water resources if mitigation measures are incorporated during both the construction and operational phases.

Botanical

The proposed water pipeline runs across two main vegetation types namely the Mossel Bay Shale Renosterveld vegetation and the Garden Route Granite Fynbos vegetation group. Both the Mossel Bay

Shale Renosterveld and the Garden Route Granite Fynbos is listed as endangered and fall within the Western Cape Biodiversity critically endangered group.

During the site visit and investigation, it was evident that the site has been severely disturbed. This was also confirmed by the Botanical Impact Assessment. According to the VEGMAP (2018), the pipeline is proposed in an area containing Mossel Bay Shale Renosterveld and Garden Route Granite Fynbos. This vegetation is in a Semi-intact, Degraded, Highly degraded and Transformed condition along the length of the proposed route (Table 1). Two Species of Conservation Concern should be considered before the proposed upgrade commence as these species are considered to be highly vulnerable (*Drosanthemum striatum*, approximately 5 individuals, and *Hermannia lavandulifolia*, approximately 20 individuals). Two Protected tree species, the white Milkwood (*Sideroxylon inerme*) and Cheesewood (*Pittosporum viridiflorum*) were also found along the proposed route of medium sensitivity.

The protected species as well as the species of conservation concern will be demarcated as no-go areas and will not be affected by the construction activities.

Terrestrial Animals

The Terrestrial Animal Species Compliance Statement found that there is a very low chance of Sensitive Species 5 and Sensitive Species 8, low chance of *Afrotis afra* and *Hydroprogne caspia*, low to medium chance of *Bradypterus sylvaticus*, medium chance of *Circus ranivorus*, *Polemaetus bellicosus* and *Aloeides trimeni southeyae*, and high chance of *Neotis denhami* occurring at the study site. A site visit was also done, which confirmed that it is unlikely that many of these species occur at the study site, with the exception of *Neotis denhami*, which was also not observed during the site inspection, but has suitable habitat at the study site).

Heritage / Archaeological Aspects

The Heritage Impact Assessment found that the only potentially significant impact expected is to the fossils, because the pipeline trench would be excavated into highly sensitive geological deposits (Kirkwood Formation). However, the palaeontologic specialist found that it is unlikely that fossils will be seen in this area. It is more likely that isolated stone artefacts may be affected, but these are of no concern and will not result in a significant impact. All other impacts are temporary and only for the construction phase of the development. This was confirmed by Heritage Western Cape in their comment dated 07 March 2023 and this Department agrees with the findings of the HIA.

Considering the above, the view is held that the applicant has adequately considered the heritage and archaeological aspects and that the proposed development will not result in significant negative impact on any heritage resources. This Department is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999.

5. **Scope and Validity Period of authorisation**

This environmental authorisation does not define specific operational aspects. The applicant has indicated that the construction activities will commence within 5 years from the date of issue of this environmental authorisation and should be completed (including the post-construction rehabilitation, monitoring and submission of the final environmental audit report during this period. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

6. **National Environmental Management Act Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

7. **Conclusion**

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts that are detailed in the FBAR dated 23 June 2023 is sufficient.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.

(d) The proposed mitigation measures included in the EMPr for the pre-construction, construction and rehabilitation phases of the development is considered adequate.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the mitigation measures contained in the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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